

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

SFA SYSTEMS, LLC f/k/a  
TRITON IP, LLC

v.

INFOR GLOBAL SOLUTIONS  
(MICHIGAN), INC., et al.

§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 6:07-cv-067[LED]

JURY

**DEFENDANTS' MOTION FOR LEAVE  
TO SUBMIT SUPPLEMENTAL EXPERT REPORT**

Defendants Infor Global Solutions (Michigan), Inc. and Infor Global Solutions (Chicago), Inc. (collectively "Infor") hereby respectfully request that the Court amend the scheduling order for the limited purpose of allowing Infor to submit a supplemental expert report from Daniel E. Cooke, Ph.D. to address the issues of lack of written description under 35 USC § 112, lack of enablement under 35 USC § 112, anticipation under 35 USC § 120, and obviousness under 35 USC § 103.

The deposition of Dr. Cooke took place on July 17, 2009, and certain issues regarding the invalidity of the '525 patent were topics of said deposition. As a result and at the request of Infor's counsel, Dr. Cooke has prepared a supplemental expert report.

There is good cause to amend the scheduling order for the limited purpose of submitting a supplemental expert report because: (1) the request to amend the scheduling order is timely, (2) an amendment of the scheduling order is essential to properly address the issues of invalidity as set out above, (3) the denial of the request would unduly prejudice Infor, and (4) an amendment would not unnecessarily delay any outstanding deadlines in this case. *See S & W Enters. LLC v. Southtrust Bank of Alabama*, 315 F.3d 533, 536 (5<sup>th</sup> Cir. 2003) (listing the four factors).

Infor respectfully requests that the Court allow Dr. Cooke to submit the supplemental expert report introducing expert evidence to the jury and to testify about the issues of invalidity of the '525 patent. Plaintiff SFA Systems, LLC ("SFA") will not be unduly prejudiced because: (1) the Court should allow SFA to submit a supplemental expert report to respond to Dr. Cooke's supplemental expert report; and 2) the Court should allow SFA to depose Dr. Cooke, if such deposition is requested by SFA.

The requested extensions will not affect the other deadlines in the Court's Docket Control Order.

WHEREFORE, Infor respectfully requests that the Court: (1) amend the scheduling order; and (2) grant Infor leave to submit Dr. Cooke's supplemental expert report.

Date: July 23, 2009

Respectfully submitted,

/s/ Diane V. DeVasto

Mike Jones

Texas Bar No. 10929400

mikejones@potterminton.com

Diane DeVasto

Texas Bar No. 05784100

dianedevasto@potterminton.com

POTTER MINTON, P.C.

500 Plaza Tower

Tyler, Texas 75702

Phone: (903) 597-8311

Fax: (903) 593-0846

Alfred W. Zaher  
zaher@blankrome.com  
Bruce D. George  
george@blankrome.com  
Joel L. Dion  
dion-j@blankrome.com  
Nakul Krishnakumar  
krishnakumar@blankrome.com  
Blank Rome LLP  
One Logan Square  
Philadelphia, PA 19103  
215/569-5500  
Fax: 215/832-5788

**ATTORNEYS FOR DEFENDANTS  
INFOR GLOBAL SOLUTIONS (MICHIGAN),  
INC. AND INFOR GLOBAL SOLUTIONS  
(CHICAGO), INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 23<sup>rd</sup> day of July 2009. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Diane V. DeVasto  
Diane V. DeVasto

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for the Parties have complied with the meet and confer requirements of Local Rule CV-7(h), and that the foregoing motion is opposed. On July 23, 2009 counsel for Defendants Alfred Zaher and Diane DeVasto conducted a meet and confer in good faith with counsel for Plaintiff David Pridham via telephone conference. Discussions conclusively ended in an impasse, leaving an open issue for this Court to resolve.

/s/ Diane V. DeVasto

Diane V. DeVasto